CPMG / KA / BG-GPO/13/2003-2005



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಸಂಪುಟ ೧೩೮	ಬೆಂಗಳೂರು, ಗುರುವಾರ, ಡಿಸೆಂಬರ್ ೧೮, ೨೦೦೩ (ಮಾರ್ಗಶಿರ ೨೭, ಶಕ ವರ್ಷ ೧೯೨೫)	ಸಂಚಿಕೆ ೫೦

ಭಾಗ - ೪

ಕೇಂದ್ರದ ವಿಧೇಯಕಗಳು ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು, ಕೇಂದ್ರದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಅಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರ ಸರ್ಕಾರದವರು ಹೊರಡಿಸಿದ ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ಶಾಸನಬದ್ಧ ಆದೇಶಗಳು ಮತ್ತು ರಾಷ್ಟ್ರಪತಿಯವರಿಂದ ರಚಿತವಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರದವರಿಂದ ಪುನಃ ಪ್ರಕಟವಾದ ಆದೇಶಗಳು.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 40 ಕೇಶಾಪ್ರ 2003, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 27ನೇ ನವೆಂಬರ್ 2003

2002ನೇ ಸಾಲಿನ ಡಿಸೆಂಬರ್ 18ರ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ (1) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಕೆಳಕಂಡ The Unit Trust of India (Transfer of Undertaking And Repeal) Act, 2002 ನ್ನು ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 18th December, 2002/Agrahayana 27, 1924 (Saka)

The following Act of Parliament received the assent of the President on the 17th December, 2002, and is hereby published for general information:-

THE UNIT TRUST OF INDIA (TRANSFER OF UNDERTAKING AND REPEAL) ACT, 2002

No.58 of 2002

[17th December, 2002]

An Act to provide for the transfer and vesting of the undertaking (excluding the specified undertaking) of the Unit Trust of India to the specified company to be formed and registered under the Companies Act, 1956, and the transfer and vesting of the specified undertaking of the Unit Trust of India in the Administrator and for matters connected therewith or incidental thereto and also to repeal the Unit Trust of India Act, 1963.

Be it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:-

CHAPTER-I

PRELIMINARY

1. Short title and Commencement:- (1) This Act may be called the Unit Trust of India (Transfer of Undertaking and Repeal) Act, 2002.

(2) It shall be deemed to have come into force on the 29th day of October, 2002.

2. Definitions:- In this Act, unless the context otherwise requires,-

(a) "Administrator" means a person or body of persons appointed as Administrator under section 7;

(b) "appointed day" means such date as the Central Government may, by notification in the Official Gazette, appoint under section 4;
(c) "bank" shall have the meaning assigned to it in clause (d) of section 2 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (51 of 1993);
(d) "Development Bank" means the Industrial Development Bank of India established under the Industrial Development Bank of India Act, 1964 (18 of 1964);
(e) "financial institution" shall have the meaning assigned to it in clause (h) of section 2 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993; (51 of 1993)
(f) "Life Insurance Corporation of India" means the Life Insurance Corporation of India established under sub-section (1) of section 3 of the Life Insurance Corporation Act, 1956; (31 of 1956)
(g) "Schedule" means Schedules I and II to this Act;
(h) "Specified company" means a company to be formed and registered under the Companies Act, 1956 (1 of 1956) and whose entire capital is subscribed by such financial institutions or banks as may be specified by the Central Government, by notification in the Official Gazette, for the purpose of transfer and vesting of the undertaking;
(i) "specified undertaking" includes all business, assets, liabilities and properties of the Trust representing and relatable to the schemes and Development Reserve Fund specified in the Schedule I;
(j) "State Bank" means the State Bank of India constituted under the State Bank of India Act, 1955; (23 of 1955).
(k) "Trust" means the Unit Trust of India established under sub-section (1) of section 3 of the Unit Trust of India Act, 1963; (52 of 1963).
(l) "undertaking" includes all business, assets, liabilities and properties of the Trust representing and relatable to the schemes and plans specified in the Schedule II;
(m) "unit" means a unit issued under a unit scheme made under section 21 of the Unit Trust of India Act, 1963. (52 of 1963).

CHAPTER-II

Transfer and Vesting of the undertaking of Trust in the Specified Company and Transfer and Vesting of the Specified Undertaking of Trust in the Administrator

3. Transfer of initial capital:- (1) On the appointed day, the initial capital of the Trust, contributed by the Development Bank, the Life Insurance Corporation, the State Bank and the subsidiary banks and other institutions under sections 4 and 4A of the Unit Trust of India Act, 1963, (52 of 1963) as it stood immediately before the commencement of this Act, shall stand transferred to, and vest in, the Central Government.

(2) The initial capital contributed by the Development Bank, the Life Insurance Corporation, the State Bank and the subsidiary banks and other institutions shall be refunded, by the Central Government, to such extent as may be determined by it, having regard to the book value, the assets and liabilities of the Trust.

4. Undertaking of Trust to vest in specified company and specified undertaking of Trust to vest in Administrator:- (1) On such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be transferred to, and vest in,-

(a) the specified company, the undertaking (excluding the specified undertaking) of the Trust for such consideration and on such terms and conditions as may be mutually agreed upon between the Central Government and the subscribers to the capital of the specified company;
(b) the Administrator, the specified undertaking of the Trust.

(2) The decision of the Central Government, as to whether any business, assets, liabilities or properties represent or relate to the undertaking or specified undertaking, shall be final;

Provided that any business, asset or property which is not represented or related to the undertaking or specified undertaking, shall vest in the Central Government.

5. General effect of vesting of undertaking or specified undertaking in specified company or Administrator:- (1) The undertaking of the Trust which is transferred to, and which vest in, the specified company or the specified undertaking of the Trust, which is transferred to, and vest in, the Administrator, as the case may be, under section 4, shall be deemed to include all business, assets, rights, powers, authorities and privileges and all properties, movable and immovable, real and personal, corporeal and incorporeal, in possession or reservation, present or contingent of whatever nature and wheresoever

situate including lands, buildings, vehicles, cash balances, deposits, foreign currencies, disclosed and undisclosed reserves, reserve fund, special reserve fund, benevolent reserve fund, any other fund, stocks, investments, shares, bonds, debentures, security, management of any industrial concern, loans, advances and guarantees given to industrial concerns, tenancies, leases and book-debts and all other rights and interests arising out of such property as were immediately before the appointed day in the ownership, possession or power of the Trust in relation to the undertaking or the specified undertaking, as the case may be, within or without India, all books of account, registers, records and documents relating thereto and shall also be deemed to include all borrowings, liabilities, units issued and obligations of whatever kind within or without India then subsisting of the Trust in relation to such undertaking or the specified undertaking, as the case may be.

(2) All contracts, deeds, bonds, guarantees, powers-of-attorney, other instruments (including all units issued and unit schemes formulated by the Trust) and working arrangements subsisting immediately before the appointed day and affecting the Trust shall cease to have effect or to be enforceable against the Trust and shall be of as full force and effect against or in favour of the specified company or the Administrator, as the case may be, in which the undertaking or specified undertaking has vested by virtue of this Act and enforceable as fully and effectually as if instead of the Trust, the specified company or the Administrator, as the case may be, had been named therein or had been a party thereto.

(3) All unit schemes taken by the Board of the Trust immediately before the commencement of this Act shall be deemed to have been taken by the specified company or the Administrator, as the case may be, and all the units issued by the Trust under such scheme shall be deemed to be the units issued by the specified company or the Administrator, as the case may be, and the income on such units shall be distributed and such units shall be redeemed or purchased by them in the same manner as would have been done by the Trust had the undertaking or the specified undertaking not been transferred under section 4.

(4) Any proceeding or cause of action pending or existing immediately before the appointed day by or against the Trust may, as from the appointed day, be continued and enforced by or against the specified company or the Administrator, as the case may be, in which the undertaking or specified undertaking has vested by virtue of this Act as it might have been enforced by or against the Trust if this Act had not been enacted and shall cease to be enforceable by or against the Trust.

6. **Provisions in respect of officers and other employees of Trust:-** (1) Every officer or other employee of the Trust (except a trustee of the Board, the Chairman and executive trustee) serving in the employment immediately before the appointed day shall become, as from the appointed day, an officer or, as the case may be, other employee of the specified company and shall hold his office or service therein by the same tenure, at the same remuneration, upon the same terms and conditions, with the same obligations and with the same rights and privileges as to leave, leave fare concession, welfare scheme, medical benefit scheme, insurance, provident fund, other funds, retirement, voluntary retirement, gratuity and other benefits as he would have held under the Trust if its undertaking had not vested in the specified company and shall continue to do so as an officer or, as the case may be, other employee of the specified company or until the expiry of a period of six months from the appointed day if such officer or other employee opts not to continue to be the officer or other employee of the specified company within such period.

(2) The Administrator, in consultation with the specified company, may requisition, the services of such officers or other employees as it may deem fit, on such terms and conditions which may be mutually agreed upon between the Administrator and the specified company.

(3) Where an officer or other employee of the Trust opts under sub-section (1) not to be in employment or service of the specified company, such officer or other employee shall be deemed to have resigned.

(4) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (14 of 1947) or in any other law for the time being in force, the transfer of the services of any officer or other employee of the Trust to the specified company shall not entitle such officer or other employee to any compensation under this Act or under any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

(5) The officers and other employees who have retired before the appointed day from the service of the Trust and are entitled to any benefits, rights or privileges shall be entitled to receive the same benefits, rights or privileges from the specified company.

(6) The trust of the provident fund or the gratuity fund of the Unit Trust of India and any other bodies created for the welfare of officers or other employees would continue to discharge their functions in the specified company as was being done hitherto in the Unit Trust of India and any tax exemption granted to the provident fund or the gratuity fund would continue to be applied to the specified company.

(7) Notwithstanding anything contained in this Act or in the Companies Act, 1956 (1 of 1956) or in any other law for the time being in force or in the regulations of the Unit Trust of India, the Chairman, the trustees, executive trustee or any other person entitled to manage the whole or substantial part of the business and affairs of the Trust shall not be entitled to any compensation against the Trust for the loss of office or for the premature termination of any contract of management entered into by him with the Trust.

CHAPTER-III

APPOINTMENT OF ADMINISTRATOR TO MANAGE THE SPECIFIED UNDERTAKING OF THE TRUST

7. Appointment of Administrator to manage specified undertaking:- (1) The Central Government shall, on and from the appointed day, appoint a person or a body of persons, as the " Administrator of the specified undertaking of the Unit Trust of India" for the purpose of taking over the administration thereof and the Administrator shall carry on the management of the specified undertaking of the Trust for and on behalf of the Central Government.

(2) The Central Government may issue such directions (including directions as to initiating, defending or continuing any legal proceedings before any court, tribunal or other authority) to the Administrator as to his powers and functions as that Government may deem desirable and the Administrator may apply to the Central Government at any time for instructions as to the manner in which he shall conduct the management of the specified undertaking or in relation to any matter arising in the course of such management.

(3) Subject to the other provisions of this Act and the Schemes made thereunder and the control of the Central Government, the Administrator shall be entitled, notwithstanding anything contained in any other law for the time being in force, to exercise, in relation to the management of the specified undertaking, the powers specified under section 10 including powers to dispose of any property or assets of such specified undertaking whether such powers are derived under any law for the time being in force.

(4) Every person having possession, custody or control of any property forming part of the specified undertaking of the Trust shall deliver forthwith such property to the Administrator.

(5) Any person who, on the appointed day, has in his possession or under his control any books, papers or other documents relating to the specified undertaking, including the minutes book containing the resolutions of the persons in charge of the management of the specified undertaking before the appointed day, the current cheque books relating to the specified undertaking, any letters, memoranda, notes or other communications between him and the Turst so far they relate to the specified undertaking shall, notwithstanding anything contained in any other law for the time being in force, be liable to account for the books, papers and other documents (including such minutes book, letters, memoranda, notes or other communications) to the Administrator.

(6) Any person in charge of the management of the specified undertaking immediately before the appointed day shall, within ten days from that day or within such further period as the Central Government may allow in this behalf, furnish to the Administrator the complete inventory of all the properties and assets (including particulars of book-debts and investments and belongings) forming part of the specified undertaking immediately before the appointed day and of all the liabilities and obligations of such specified undertaking, in relation to its administration, subsisting immediately before that day, and also of all agreements relating to specified undertaking entered into by the Trust in relation to its administration and in force immediately before that day.

(7) The Administrator shall receive from the funds of the specified undertaking such remuneration as the Central Government may fix.

8. Administrator to vacate office:- (1) The Administrator shall, immediately on redemption of all the schemes of the specified undertaking and the payment of entire amount to investors, shall vacate his office; but nothing in this sub-section shall be construed as prohibiting his appointment as a member of the Board of Advisers after vacation of his office as such.

(2) On the vacation of his office, the Administrator shall forthwith deliver, to the Central Government or any institution or officer specified by it, possession of all assets and properties representing and relatable to the specified undertaking which are in his possession, custody and control on the date immediately preceding the date on which he vacates his office as the Administrator.

CHAPTER-IV
POWERS AND FUNCTIONS OF ADMINISTRATOR

9. **Board of Advisers:-** (1) On such date as the Central Government may, by notification in the Official Gazette, appoint a Board of Advisers to advise and assist the Administrator in carrying on the management of the specified undertaking.

(2) The composition, term of office of the Advisers, the fees and allowances and other conditions of appointment, disqualifications for being an Adviser, filling up of casual vacancy in the office of the Adviser, the meetings of the Board of Advisers, vacation and resignation of office of the Advisers, shall be such as may specified in the Scheme made by the Central Government.

10. **Powers and functions of Administrator:-** (1) Subject to the provisions of this Act and the Scheme made thereunder, the Administrator may, on the advice of the Board of Advisers, transact any of the following kinds of business in India in relation to the specified undertaking only, namely:-

(a) selling and purchasing units of the schemes specified in Schedule I;

(b) investing in and acquiring, holding or disposing of securities and exercising and enforcing, all powers and rights incidental thereto including protection or realisation of such investment and the taking over of the administration of any property offered as security for such investment;

(c) granting of loans and advances upon the security of any movable or immovable property or otherwise;

(d) accepting,collecting, discounting, re-discounting, purchasing, selling or negotiating or otherwise dealing with, any bills of exchange, hundies, promissory notes, coupons, drafts, bill of lading, railway receipts, warehouse receipts, documents of title to goods, warrants, certificates, scrips and other mercantile instruments;

(e) purchasing, selling or issuing participation certificates in relation to any loan or advance granted by any public financial institution or scheduled bank or such other institution as may be specified by the Central Government;

(f) keeping money on deposit with companies or other bodies corporate, scheduled banks or such other institutions as may be specified by the Central Government;

(g) formulating in relation to any unit scheme specified in Schedule I,-

(i) savings and life insurance plan or plans under which a person may acquire an interest in units in association with or as the agent of, the Life Insurance Corporation of India or the Central Government, but not including the life insurance business;

(ii) savings and insurance plan or plans under which a person may acquire an interest in units in association with, or as the agent of, the General Insurance Corporation but not including the general insurance business; or

(iii) any other plan or plans, under which a person may acquire an interest in units;

(h) acquiring immovable property or any interest therein, the development (including construction) and sale of such property and the rendering of financial and other assistance to any person for the acquisition of any immovable property or any interest therein and for the development (including construction) of such property;

(i) providing leasing and hire purchase finance to persons, companies, and other bodies corporate;

(j) providing merchant banking and investment advisory services;

(k) extending investment or fund or port folio management services to persons resident outside India;

(l) opening of an account or the making of an agency arrangement with a bank incorporated outside India;

(m) buying or selling of or entering into such other dealings in, foreign exchange, as may be necessary for the discharge of its functions;

(n) doing any other kind of business connected with mobilisation of savings or investments which the Central Government may authorise;

(o) generally doing all such acts and things as may be incidental to or consequential upon the discharge of its functions under this Act.

(2) The Administrator shall, on and after the appointed day, neither formulate any new scheme nor issue any new unit, whether related to the undertaking or the specified undertaking or otherwise.

11. Maintenance of accounts by Administrator:- (1) The Administrator shall maintain separate accounts of each of the specified undertaking asset possession whereof has been taken by him, and shall cause to be made therein entries of all receipts and expenditure in respect thereof.

(2) The separate accounts under sub-section (1) shall be maintained in such form and in such manner as may be specified by the Central Government.

(3) The Central Government shall cause the accounts maintained under this section to be inspected and audited at such intervals and by such persons as may be specified by it.

CHAPTER-V
MISCELLANEOUS

12. Concession, etc., to be deemed to have been granted to specified undertaking:- With effect from the appointed day, all fiscal and other concessions, licences, benefits, privileges and exemptions granted to the Trust in connection with the affairs and business of the specified undertaking of the Trust under any law for the time being in force shall be deemed to have been granted in relation to the specified undertaking.

13. Tax exemption or benefit to continue to have effect:- (1) Notwithstanding anything contained in the Income-tax Act, 1961 (43 of 1961) or any other enactment for the time being in force relating to tax or income, profits or gains, no income-tax or any other tax shall be payable by the Administrator in relation to the specified undertaking for a period of five years computed from the appointed day in respect of any income, profits or gains derived, or any amount received in relation to the specified undertaking.

(2) The transfer and vesting of the undertaking or the specified undertaking in terms of section 4 shall not be construed as a transfer within the meaning of the Income-tax Act, 1961 (43 of 1961) for the purposes of capital gains.

14. Exemption from stamp duty:- Notwithstanding anything contained in the Indian Stamp Act, 1899, (2 of 1899) the transfer and vesting of the undertaking and the specified undertaking in terms of section 4 shall not be liable to the payment of any stamp duty under that Act.

15. Guarantee to be operative:- Any guarantee given for or in favour of the Trust with respect to any loan, lease, finance or other assistance shall continue to be operative in relation to the specified undertaking managed by the Administrator.

16. Protection of action taken in good faith:- No suit or other legal proceedings shall lie against the Central Government or the Administrator, Board of Advisers or any of the officers or other employees of the Central Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

17. Shares, bonds, debentures and units to be deemed to be approved securities:- Notwithstanding anything contained in any other law for the time being in force, the shares, bonds, debentures and units of the specified undertaking shall be deemed to be approved securities for the purposes of the Indian Trusts Act, 1882 (2 of 1882) the Insurance Act, 1938 (4 of 1938) and the Banking Regulation Act, 1949 (10 of 1949).

18. Substitution in every Act, rule, regulation or notification by specified company or Administrator in place of Trust:- In every Act, rule, regulation or notification in force on the appointed day, for the words "Unit Trust of India", wherever they occur, the words, brackets and figures "specified company referred to in the Unit Trust of India (Transfer of Undertaking and Repeal) Act, 2002" or "Administrator of the specified undertaking of the Unit Trust of India referred to in the Unit Trust of India (Transfer of Undertaking and Repeal) Act, 2002", as the case may be, shall be substituted.

19. Power of Central Government to alter Schedules I and II:- (1) The Central Government may, by notification in the Official Gazette, alter Schedules I and II.

(2) Every alteration made by the Central Government Under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the alteration, or both Houses agree that the alteration should not be made, the alteration shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that alteration.

20. Power of Central Government to make Scheme:- (1) The Central Government may, by notification in the Official Gazette, make a Scheme for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the said Scheme may provide for all or any of the following matters, namely:-

(a) the manner in which the specified undertaking and schemes and assets and investments specified in Schedule I shall be managed;

(b) the term of office of the Advisers, the fee and allowances and other conditions of appointment of the Advisers, disqualifications for being an Adviser, filling up of casual vacancy in the office of Adviser, the meetings of Board of Advisers, vacation and resignation of office of the Advisers;

(c) the manner of payment of consideration for which the undertaking shall be transferred to the specified company;

(d) the assets representing and relatable to the undertaking and the specified undertaking; and

(e) such incidental, consequential and supplemental matters as may be necessary to carry out the provisions of this Act.

(3) Every Scheme made under sub-section (1) shall be laid, as soon as may be after it is made before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the sucessive sessions aforesaid, both Houses agree in making any modification in the Scheme or both Houses agree that the Scheme should not be made, the Scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Scheme.

21. Repeal and saving of Act 52 of 1963:- (1) On the appointed day, the Unit Trust of India Act, 1963 shall stand repealed and the Board of trustees referred to in section 10 of the said Act (hereinafter referred to as the repealed Act) shall stand dissolved.

(2) On the dissolution of the said Board, the person appointed as the Chairman of the Board and every other person appointed as the trustee and executive trustee and holding office as such immediately before such date shall vacate their respective offices.

(3) Notwithstanding such repeal, anything done or any action taken or purported to have been done or taken including any rule, regulation, notification, scheme, inspection, order or notice made or issued or any appointment, confirmation or declaration made or any permission, authorisation or exemption granted or any document or instrument executed or any direction given under the Act hereby repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act.

(4) Notwithstanding the repeal of the Unit Trust of India Act, 1963 (52 of 1963) the Administrator shall, so far as may be, comply with the provisions of Chapter VI of the Act so repealed for any of the purposes related to the annual accounts and audit of the Trust.

22. Act to have overriding effect:- The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

23. Application of other laws not barred:- The provisions of this Act shall be in addition to, and not in derogation of the provisions of any other law for the time being in force.

24. Power to remove difficulties:- (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

25. Repeal and saving:- (1) The Unit Trust of India (Transfer of Undertaking and Repeal) Ordinance, 2002 (Ord. 5 of 2002) is hereby repealed.

(2) Notwithstanding the repeal of the Unit Trust of India (Transfer of Undertaking and Repeal) Ordinance, 2002 (Ord. 5 of 2002), anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of this Act.

SCHEDULE-I

[See sections 2 (g), 2(i) and 19]

PART-I

SCHEMES

1. The Unit Scheme, 1964 published on May 30, 1964, in the Gazette of India, Part III, Section 4, dated the 30th May, 1964.
2. The Children's Gift Plan-1970 published on December 11, 1971, in the Gazette of India, Part III, Section 4.
3. The Children's Gift Growth Fund Unit Scheme 1986 published on April 19, 1986, in the Gazette of India, Part III, Section 4, vide No. UT/392/DPD(P&R)3B/Vol-I/85-86, dated the 3rd April, 1986.
4. The Bhopal Gas Victims-Monthly Income Plan-1992 (BGVMIP) published on September 18, 1993, in the Gazette of India, Part III, Section 4, vide No. UT/DBDM/360A/SPD-174/93-94, dated: the 13th August, 1993.
5. The Rajlakshmi Unit Scheme (II) published on August 27, 1994, in the Gazette of India, Part III, Section 4, vide No. UT/DBDM/140A/SPD55/93-94, dated the 29th July, 1994.
6. The Monthly Income Plan 1997 (IV) published on November 2, 1997, in the Gazette of India, Part III, Section 4, vide No. UT/DBDM/SPD-71-R/R-97-98, dated: the 23rd October, 1997.
7. The Institutional Investors' Special Fund Unit Scheme 1997 (II) published on February 21, 1998, in the Gazette of India, Part III, Section 4, vide No. UT/DBDM/R-96/SPD89C/97-98, dated the 5th January, 1998.
8. The Monthly Income Plan 1997 (V) published on February 21, 1998, in the Gazette of India, Part III, Section 4, vide No. UT/DBDM/R-95/SPD71S/97-98, dated the 12th January, 1998.
9. The Monthly Income Plan 1998 published on April 4, 1998, in the Gazette of India, Part III, Section 4, vide No.UT/DBDM/R-104/SPD71T/97-98, dated the 5th March 1998.
10. The Institutional Investors' Special Fund Unit Scheme 1998 (IISFUS'98) published on May 23, 1998, in the Gazette of India, Part III, Section 4, vide No. UT/DBDM/SPD-89-D/R-III/97-98, dated the 27th April, 1998.
11. The UTI NRI Fund (UNF) published on June 13, 1998, in the Gazette of India, Part III, Section 4, vide No. UT/NRI/R-113/N-52/97-98, dated the 15th May, 1998.
12. The Monthly Income Plan 1998 (II) published on August I, 1998, in the Gazette of India, Part III, Section 4, vide No. UT/DBDM/R-119/SPD-71U/97-98, dated the 29th June, 1998.
13. The Monthly Income Plan (III) published on September 5, 1998, in the Gazette of India, Part III, Section 4, vide No. UT/DBDM/R-125/SPD-71-V/98-99, dated the 7th August, 1998.
14. The Monthly Income Plan (IV) published on February 27, 1999, in the Gazette of India, Part III, Section 4, vide No.UT/DBDM/R-160/SPD-71W/98-99, dated the 28th January, 1999.
15. The Monthly Income Plan 1998 (V) published on March 6, 1999, in the Gazette of India, Part III, Section 4, vide No. UT/DBDM/R-101/SPD-71X/98-99, dated the 28th January, 1999.
16. The Children's Gift Growth Fund Unit Scheme 1999, published on May 29, 1999, in the Gazette of India, Part III, Section 4, vide No. UT/DBDM/R-175/SPD-55/98-99, dated: 29th May, 1999.
17. The Institutional Investors' Special Fund Unit Scheme 1998 (II) published on May 29, 1999, in the Gazette of India, Part III, Section 4, vide No.UT/DBDM/R-/SPD/98-99 vide dated the 31st March, 1999.
18. The Rajlakshmi Unit Plan 1999 published on May 29, 1999, in the Gazette of India, Part-III, Section 4, vide No. UT/DBDM/R-175/SPD-59A/98-99.
19. The Monthly Income Plan 1999 published on June 12, 1999, in the Gazette of India, Part III, Section 4, vide No.UT/DBDM/R-179/SPD-71-Y/98-99, dated the 5th May, 1999.
20. The Special Unit Scheme-1999 formulated in pursuance of agreement between Government of India and Unit Trust of India signed on 22nd July, 1999.
21. The Monthly Income Plan 1999 (II) published on January 22, 2000, in the Gazette of India, Part III, Section 4, vide No.UT/DBDM/R-224/SPD-71-Z/99-2000, dated the 30th December, 1999.

22. The Monthly Income Plan 2000 published on April 15, 2000, in the Gazette of India, Part III, Section 4, vide No. UT/DBDM/SPD-119-A/R-235/99-2000, dated: the 14th March, 2000.
23. The Monthly Income Plan 2000 (Second) published on September 9, 2000, in the Gazette of India, Part III, Section 4, vide No. UT/DBDM/SPD-119-B/R-7/99-2000, dated the 10th August, 2000.
24. The Monthly Income Plan 2001 published on May 12, 2001, in the Gazette of India, Part III, Section 4, vide No.UT/DBDM/R-69/SPD-119-D/2000-2001, dated the 9th April, 2001.
25. The Monthly Income Plan 2000 (Third) published on January 13, 2001, in the Gazette of India, Part-III, Section 4, vide No. UT/DBDM/SPD-119-C/R-15/2000-2001, dated the 14th November, 2000.

PART-II

ASSETS AND INVESTMENTS

26. All assets and investments made out of the Development Reserve Fund created in 1984 under sub-section (1) of section 25B of the Unit Trust of India Act, 1963 (52 of 1963).

SCHEDULE-II

[See sections 2(g), 2(l) and 19]

SCHEMES AND PLANS

1. The Mutual Fund (Subsidiary) Unit Scheme, 1986 published on October 25, 1986, in the Gazette of India, Part III, Section 4, vide No.158/DPD(P&R) 100/Vol.I/86-87 dated the 9th October, 1986.
2. The Capital Growth Unit Scheme, 1992 (Mastergain 92) published on July 4, 1992, in the Gazette of India, Part III, Section 4, vide No.UT/DBDM/1144/SPD-185/91-92 dated the 8th June, 1992.
3. The Housing Unit Scheme-1992 published in the Gazette of India, Part III, Section 4, vide No.UT/DBDM/155A/SPD-184/92-93 dated August 8, 1992.
4. The Unit Scheme 1992 published on April 17, 1993, in the Gazette of India, Part III, Section 4, vide No.UT/DBDM/2044A/SPD-61/92-93.
5. The Master Equity Plan-1993 published on July, 17, 1993, in the Gazette of India, Part III, Section 4, vide No.UT/DBDM/2454A/SPD-74A/92-93.
6. The Senior Citizens Unit Plan published on August, 28, 1993, in the Gazette of India, Part III, Section 4, vide No.UT/DBDM/393A/SPD-60/93-94 dated the 18th August, 1993.
7. The Equity Linked Savings Unit Scheme-1994 (ELSS 94) published on February 12, 1994, in the Gazette of India, Part III, Section 4, vide No.UT/DBDM/R96A/SPD-74B/93-94 dated the 11th January 1994.
8. The Growing Corpus Growing Income Scheme-1994 (GCGI 94) published on April 2, 1994, in the Gazette of India, Part III, Section 4, vide No.UT/DBDM/1704A/SPD-78/93-94 dated the 7th March, 1994.
9. The Grihalakshmi Unit Scheme 1994 (GUS 1994) published on August 20, 1994, in the Gazette of India, Part III, Section 4, vide No.UT/DBDM/76A/SPD-68/93-94.
10. The Equity Linked Savings Unit Scheme 1995 (ELSS 95) published on February 11, 1995, in the Gazette of India, Part III, Section 4, vide No.UT/DBDM/680A/SPD/74C/94-95 dated the 10th January, 1995.
11. The Primary Equity Fund published on June 3, 1995, in the Gazette of India, Part III, Section 4, vide No.UT/DBDM/1109A/SPD-85/94-95 dated the 2nd May, 1995.
12. The Master Equity Plan 1996 published on December 23, 1995, in the Gazette of India, Part III, Section 4, vide No.UT/DBDM/431-A/SPD-74D/95-96 dated the 30th November, 1995.
13. The Grandmaster Unit Scheme-1993 published on January, 25, 1997, in the Gazette of India, Part III, Section 4, vide No.UT/DBDM/R-172/SPD-77/96-97 dated the 9th December, 1996.
14. The Master Equity Plan 1997 published on January 25, 1997, in the Gazette of India, Part III, Section 4, vide No. UT/DBDM/R173/SPD74-E/96-97 dated the 23rd December 1996.
15. The UTI Money Market Fund (A MONEY MARKET MUTUAL FUND) published on July 26, 1997, in the Gazette of India, Part III, Section 4, vide No.UT/DBDM/SPD-93/R-223/96-97 dated the 24th June, 1997.
16. The Master Equity Plan 1998 published on February 21, 1998, in the Gazette of India, Part III, Section 4, vide No.UT/BDM/R96/SPD-74F/97-98 dated the 5th January, 1998.

17. The Unit Growth Scheme 10000 published on June 27, 1998, in the Gazette of India, Part III, Section 4.
18. The UTI-Bond Fund published on August 8, 1998, in the Gazette of India, Part III, Section 4, vide No.UT/DBDM/R-121/SPD102/97-98 dated the 14th July, 1998.
19. The UTI-Small Investor's Fund published on August 8, 1998, in the Gazette of India, Part III, Section 4, vide No.UT/DBDM/R-181/SPD-98/97-98 dated the 14th July 1998.
20. The Master Value Unit Plan 1998 published on August 8, 1998, in the Gazette of India, Part III, Section 4, vide No.UT/DBDM/SPD-107/R-121/97-98 dated the 14th July, 1998.
21. The Master Index Fund published on August 15, 1998 in the Gazette of India, Part III, Section 4, vide No.UT/DBDM/SPD-108R-122/97-98 dated the 17th July 1998.
22. The Mastershare Plus Unit Scheme 1991 published on April 24, 1999, in the Gazette of India, Part III, Section 4, vide No.UT/DBDM/R-171/SPD-172/98-99 dated the 30th March, 1999.
23. The Master Equity Plan 1999 published on May 29, 1999, in the Gazette of India, Part III, Section 4, vide No.UT/DBDM/R/SPD-74G/98-99 dated the 7th April, 1999.
24. The UTI-Growth Sectors Fund (UTI - GSF) published on August 28, 1999, in the Gazette of India, Part III, Section 4, vide No.UT/DBDM/SPD-112/R-194A/98-99 dated the 27th July, 1999.
25. The UTI G-Sec. Fund published on December 18, 1999, in the Gazette of India, Part III, Section 4, vide No.UT/DBM/R/SPD-114/99-2000 dated the 18th November, 1999.
26. The UTI Equity Tax Savings Plan published on March 18, 2000, in the Gazette of India, Part III, Section 4, vide No.UT/DBD/R-/SPD-117/99-2000 dated the 9th February, 2000.
27. The Mastergrowth Unit Scheme-1993 published on May 20, 2000, in the Gazette of India, Part III, Section 4, vide No.UT/DBDM/R-238/SPD-118/99-2000 dated the 17th April 2000.
28. The Nifty Index Fund (NIF) published on May 20, 2000, in the Gazette of India, Part III, Section 4, vide No.UT/DBDM/R-239/SPD-120/99-2000 dated the 17th April 2000.
29. The Unit Scheme 1995 (US-95) published on June 3, 2000, in the Gazette of India, Part III, Section 4, vide No. UT/DBDM/R-241/SPD-84/99-2000 dated the 3rd May, 2000.
30. The Index Select Equity Fund published on March 17, 2001, in the Gazette of India, Part III, Section 4, vide No.UT/DBDM/R-62/SPD-96/2000-2001 dated the 12th February, 2001.
31. The Unit Scheme for Charitable and Religious Trusts and Registered Societies, 1981 published on April 28, 2001, in the Gazette of India, Part III, Section 4 vide No.UT/DBDM/R-65/SPD-53/2000-2001 dated the 20th March, 2001.
32. The Unit Linked Insurance Plan 1971 published on May 19, 2001, in the Gazette of India, Part III, Section 4, vide No.UT/DBDM/R-7/SD-52/2000-2001 dated the 24th April, 2001.
33. The Children's Career Plan (CCP) published on May, 12, 2001, in the Gazette of India, Part III, Section 4, vide No.UT/DBDM/R-69/SPD-64/2000-2001 dated the 9th April, 2001.
34. The UTI-Mahila Unit Scheme (MUS) published on June 16, 2001, in the Gazette of India, Part III, Section 4, vide No.UT/DBDM/R/SPD-68-A/2000-2001 dated the 11th May, 2001.
35. The Retirement Benefit Plan (RBP) published on August 10, 2002, in the Gazette of India, Part III, Section 4, vide No.UT/DBDM/R-47/SPD-66/2001-2002 dated the 25th July, 2002.
36. The UTI Regular Income Scheme.
37. The India Fund Unit Scheme 1986.
38. The India Access Fund Unit Scheme 1996.
39. The India Information Technology Fund Unit Scheme 1997.
40. The India Infrastructure Fund Unit Scheme 1999.
41. The India Media, Internet and Communication Fund Unit Scheme 2000.
42. The Variable Investment Scheme 2002.
43. The Unit Scheme 2002.

SUBHASH C. JAIN
Secy. to the Govt. of India.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,
ಎಲ್. ಸಿದ್ದಯ್ಯ
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ,
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

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ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 42 ಕೇಶಾಪ್ರ 2003, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 27ನೇ ನವೆಂಬರ್ 2003

2002ನೇ ಸಾಲಿನ ಡಿಸೆಂಬರ್ 18ರ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ (1) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಕೆಳಕಂಡ The Negotiable Instruments (Amendment and Miscellaneous Provisions) Act, 2002 ನ್ನು ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 18th December, 2002/Agrahayana 27, 1924 (Saka)

The following Act of Parliament received the assent of the President on the 17th December, 2002, and is hereby published for general information:-

THE NEGOTIABLE INSTRUMENTS (AMENDMENT AND MISCELLANEOUS PROVISIONS) ACT, 2002

No.55 of 2002 [17th December, 2002]

An Act further to amend the Negotiable Instruments Act, 1881, the Bankers' Books Evidence Act, 1981 and the Information Technology Act, 2000.

Be it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:-

CHAPTER-I

PRELIMINARY

1. Short title and Commencement:- (1) This Act may be called the Negotiable Instruments (Amendment and Miscellaneous Provisions) Act, 2002.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

CHAPTER-II

AMENDMENTS TO THE NEGOTIABLE INSTRUMENTS ACT, 1881

2. Substitution of new section for section 6:- For section 6 of the Negotiable Instruments Act, 1881 (26 of 1881) (hereinafter in this Chapter referred to as the principal Act), the following section shall be substituted, namely:-

"cheque" '6.A "cheque" is a bill of exchange drawn on a specified banker and not expressed to be payable otherwise than on demand and it includes the electronic image of a truncated cheque and a cheque in the electronic form.

Explanation I.- For the purposes of this section, the expressions-

(a) "a cheque in the electronic form" means a cheque which contains the exact mirror image of a paper cheque, and is generated, written and signed in a secure system ensuring the minimum safety standards with the use of digital signature (with or without biometrics signature) and asymmetric crypto system;

(b) "a truncated cheque" means a cheque which is truncated during the course of a clearing cycle, either by the clearing house or by the bank whether paying or receiving payment, immediately on generation of an electronic image for transmission, substituting the further physical movement of the cheque in writing.

Explanation II.- For the purposes of this section, the expression "clearing house" means the clearing house managed by the Reserve Bank of India or a clearing house recognised as such by the Reserve Bank of India'.

3. Amendment of section 64:- Section 64 of the principal Act shall be re-numbered as sub-section (1) thereof, and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:-

"(2) Notwithstanding anything contained in section 6, where an electronic image of a truncated cheque is presented for payment, the drawee bank is entitled to demand any further information regarding the truncated cheque from the bank holding the truncated cheque in case of any reasonable suspicion about the genuineness of the apparent tenor of instrument, and if the suspicion is that of any fraud, forgery, tampering or destruction of the instrument, it is entitled to further demand the presentment of the truncated cheque itself for verification:

Provided that the truncated cheque so demanded by the drawee bank shall be retained by it, if the payment is made accordingly".

4. Amendment of section 81:- Section 81 of the principal Act shall be re-numbered as sub-section (1) thereof, and after sub-section (1) as so re-numbered, the following sub-sections shall be inserted,namely:-

"(2) Where the cheque is an electronic image of a truncated cheque, even after the payment the banker who received the payment shall be entitled to retain the truncated cheque.

(3) A certificate issued on the foot of the printout of the electronic image of a truncated cheque by the banker who paid the instrument, shall be prima facie proof of such payment."

5. Amendment of section 89:- Section 89 of the principal Act shall be re-numbered as sub-section (1) thereof, and after sub-section (1) as so re-numbered, the following sub-sections shall be inserted, namely:-

"(2) Where the cheque is an electronic image of a truncated cheque, any difference in apparent tenor of such electronic image and the truncated cheque shall be a material alteration and it shall be the duty of the bank or the clearing house, as the case may be, to ensure the exactness of the apparent tenor of electronic image of the truncated cheque while truncating and transmitting the image.

(3) Any bank or a clearing house which receives a transmitted electronic image of a truncated cheque, shall verify from the party who transmitted the image to it, that the image so transmitted to it and received by it, is exactly the same."

6. Amendment of section 131:- In section 131 of the principal Act, Explanation shall be re-numbered as Explanation I thereof, and after explanation I as so re-numbered, the following Explanation shall be inserted, namely:-

"Explanation II.- It shall be the duty of the banker who receives payment based on an electronic image of a truncated cheque held with him, to verify the prima facie genuineness of the cheque to be truncated and any fraud, forgery or tampering apparent on the face of the instrument that can be verified with due diligence and ordinary care."

7. Amendment of section 138:- In section 138 of the principal Act,-

(a) for the words "a term which may be extended to one year", the words "a term which may be extended to two years" shall be substituted;

(b) in the proviso, in clause (b), for the words "within fifteen days", the words "within thirty days" shall be substituted.

8. Amendment of section 141:- In section 141 of the principal Act, in sub-section (1), after the proviso, the following proviso shall be inserted, namely:-

"Provided further that where a person is nominated as a Director of a company by virtue of his holding any office or employment in the Central Government or State Government or a financial corporation owned or controlled by the Central Government or the State Government, as the case may be, he shall not be liable for prosecution under this Chapter."

9. Amendment of section 142:- In section 142 of the Principal Act, after clause (b), the following proviso shall be inserted, namely:-

"Provided that the cognizance of a complaint may be taken by the Court after the prescribed period, if the complainant satisfies the Court that he had sufficient cause for not making a complaint within such period."

10. Insertion of new sections after section 142:- After section 142 of the principal Act, the following sections shall be inserted, namely:-

power of Court to try cases summarily "143. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, (2 of 1974) all offences under this Chapter shall be tried by a Judicial Magistrate of the first class or by a Metropolitan Magistrate and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trials:

Provided that in the case of any conviction in a summary trial under this section, it shall be lawful for the Magistrate to pass a sentence of imprisonment for a term not exceeding one year and an amount of fine exceeding five thousand rupees:

Provided further that when at the commencement of, or in the course of, a summary trial under this section, it appears to the Magistrate that the nature of the case is such that a sentence of imprisonment for a term exceeding one year may have to be passed or that it is, for any other reason, undesirable to try the case summarily, the Magistrate shall after hearing the parties, record and order to that effect and thereafter recall any witness who may have been examined and proceed to hear or rehear the case in the manner provided by the said Code.

(2) The trial of a case under this section shall, so far as practicable, consistently with the interests of justice, be continued from day to day until its conclusion, unless the Court finds the adjournment of the trial beyond the following day to be necessary for reasons to be recorded in writing.

(3) Every trial under this section shall be conducted as expeditiously as possible and an endeavour shall be made to conclude the trial within six months from the date of filing of the complaint.

144. Mode of service of summons:- (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, and for the purposes of this Chapter, a Magistrate issuing a summons to an accused or a witness may direct a copy of summons to be served at the place where such accused or witness ordinarily resides or carries on business or personally works for gain, by speed post or by such courier services as are approved by a Court of Session.

(2) Where an acknowledgement purporting to be signed by the accused or the witness or an endorsement purported to be made by any person authorised by the postal department or the courier services that the accused or the witness refused to take delivery of summons has been received, the Court issuing the summons may declare that the summons has been duly served.

145. Evidence on affidavit:- (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, (2 of 1974) the evidence of the complainant may be given by him on affidavit and may, subject to all just exceptions be read in evidence in any enquiry, trial or other proceeding under the said Code.

(2) The Court may, if it thinks fit, and shall, on the application of the prosecution or the accused, summon and examine any person giving evidence on affidavit as to the facts contained therein.

146. Bank's slip prima facie evidence of certain facts:- The Court shall, in respect of every proceeding under this Chapter, on production of bank's slip or memo having thereon the official mark denoting that the cheque has been dishonoured, presume the fact of dishonour of such cheque, unless and until such fact is disproved.

147. Offences to be compoundable:- Notwithstanding anything contained in the Code of Criminal Procedure, 1973, (2 of 1974) every offence punishable under this Act shall be compoundable".

CHAPTER-III

AMENDMENT TO THE BANKERS' BOOKS EVIDENCE ACT, 1891

11. Amendment of section 2:- In section 2 of the Bankers' Books Evidence Act, 1891 (18 of 1891),-

(a) for clause (3), the following clause shall be substituted, namely:-

'(3) "bankers' books" include ledgers, day-books, cash-books, account-books and all other records used in the ordinary business of the bank, whether these records are kept in written form or stored in a mircro film, magnetic tape or in any other form of mechanical or electronic data retrieval mechanism, either onsite or at any offsite location including a back-up or disaster recovery site of both;';

(b) in clause (8), after sub-clause (b), the following sub-clause shall be inserted, namely:-

"(c) a printout of any entry in the books of a bank stored in a micro film, magnetic tape or in any other form of mechanical or electronic data retrieval mechanism obtained by a mechanical or other process which in itself ensures the accuracy of such printout as a copy of such entry and such printout contains the certificate in accordance with the provisions of section 2A."

CHAPTER-IV

AMENDMENTS TO THE INFORMATION TECHNOLOGY ACT, 2000

12. Amendment of section 1:- In the information Technology Act, 2000 (hereinafter in this Chapter referred to as the principal Act), section 1, in sub-section (4), for clause (a), the following clause shall be substituted, namely:-

"(a) a negotiable instrument (other than a cheque) as defined in section 13 of the Negotiable Instruments Act, 1881 (26 of 1881);"

13. Insertion of new section 81A:- After section 81 of the principal Act, the following section shall be inserted, namely:-

'81A. Application of the Act to electronic cheque and truncated cheque:- (1) The provisions of this Act, for the time being in force, shall apply to, or in relation to, electronic cheques and the truncated cheques subject to such modifications and amendments as may be necessary for carrying out the purposes of the Negotiable Instruments Act, 1881 (26 of 1881) by the Central Government, in consultation with the Reserve Bank of India, by notification in the Official Gazette.

(2) Every notification made by the Central Government under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or both Houses agree that the notification should not be made, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification.

Explanation.- For the purposes of this Act, the expressions "electronic cheque" and "truncated cheque" shall have the same meaning as assigned to them in section 6 of the Negotiable Instruments Act, 1881 (26 of 1881)'.

SUBHASH C. JAIN
Secy. to the Govt. of India.
ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,
ಎಲ್. ಸಿದ್ದಯ್ಯ
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ,
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

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ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 70 ಕೇನಿಪ್ರ 2003, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 17ನೇ ನವೆಂಬರ್ 2003

2003ನೇ ಸಾಲಿನ ಸೆಪ್ಟೆಂಬರ್ 30ರ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 3 (ii) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಮಿನಿಸ್ಟ್ರಿ ಆಫ್ ಫೈನಾನ್ಸ್‌ರವರ ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ 239/2003/F.N.142/40/2003-TPL, ದಿನಾಂಕ: 30.9.2003 [S.O.1145(E)] ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF FINANCE
(Department of Revenue)
(CENTRAL BOARD OF DIRECT TAXES)
NOTIFICATION New Delhi, the 30th September 2003
INCOME-TAX

S.O.1145(E).- In exercise of the powers conferred by section 295 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following rules further to amend the Income-tax Rules, 1962, namely:-

1. (1) These Rules may be called the Income-tax (Twenty-Second Amendment) Rules, 2003.
(2) They shall come into force from the date of publication in the Official Gazette.

2. In the Income-tax Rules, 1962,-
(a) in Part VIA,-
(A) for rules 37C and 37D, the following rules shall be substituted, namely:-

"Declaration by a buyer for no collection of tax at source under section 206C (1A).

37C. (1) A declaration under sub-section (1A) of section 206C to the effect that any of the goods referred to in the Table in sub-section (1) of that section are to be utilised for the purposes of manufacturing, processing or producing articles or things and not for trading purposes shall be in Form No.27C and shall be verified in the manner indicated therein.

(2) The declaration referred to in sub-rule (1) shall be furnished in duplicate to the person responsible for collecting tax.

(3) The person referred to in sub-rule (2) shall deliver or cause to be delivered to the Chief Commissioner or Commissioner, one copy of the declaration referred to in sub-rule (1) on or before the seventh day of the month next following the month in which the declaration is furnished to him.

Explanation.- For the purposes of sub-rule (3), the Chief Commissioner or Commissioner means the Chief Commissioner or Commissioner to whom the Assessing Officer, having jurisdiction to assess the person referred to in sub-rule (2), is subordinate.

Time and mode of payment to Government account of tax collected at source under section 206C.

37CA. (1) All sums collected in accordance with the provisions of sub-section (1) of section 206C shall be paid to the credit of the Central Government within one week from the last day of the month in which the collection is made.

(2) The person responsible for making collection under sub-section (1) of section 206C shall pay the amount of tax so collected to the credit of the Central Government by remitting it within the time prescribed in sub-rule (1) into any branch of the Reserve Bank of India or of the State Bank of India or of any authorised bank accompanied by an income-tax challan:

Provided that where the collection is made by or on behalf of the Government, the amount shall be credited within the time and in the manner aforesaid without the production of a challan.

Certificate for collection of tax at source under section 206C(5).

37D. (1) The certificate of collection of tax at source under sub-section (5) of section 206C to be furnished by any person collecting tax at source under sub-section (1) of that section shall be in Form No.27D.

(2) The certificate referred to in sub-rule (1) shall be furnished within a period of one month from the end of the month during which the amount is debited to the account of the buyer or payment is received from the buyer, as the case may be:

Provided that where more than one certificate is required to be furnished to a buyer for tax collected at source in respect of the period ending on the 30th September and the 31st March in each financial year, the person collecting the tax, may on request from such buyer, issue within one month from the end of such period, a consolidated certificate in Form No.27D for tax collected during whole of such period.

(3) Where in a case, the certificate for tax collected at source issued under this rule is lost, the person collecting tax at source may issue a duplicate certificate of collection of tax at source on a plain paper giving necessary details as contained in Form No.27D.

(4) The Assessing Officer before giving credit for the tax collected at source on the basis of duplicate certificate referred to in sub-rule (3), shall get the payment certified from the Assessing Officer designated in this behalf by the Chief Commissioner or Commissioner and shall also obtain an Indemnity Bond from the assessee.";

(B) in rule 37E, after the expression "Form No.27E", the words "within one month from the end of the period for which the return is required to be filed" shall be inserted;

(b) in Appendix II, for Form No.27C and Form No.27D, the following Forms shall be substituted, namely:-

"FORM NO.27C

[See rule 37C]

Declaration under sub-section (1A) of section 206C of the Income-tax Act, 1961 to be made by a buyer for obtaining goods without collection of tax

PART-I

I/We*..........................,*son/daughter/wife of ...., resident of .... @ do hereby declare-

1. that *my/our present occupation is ....
2. that .... is to be utilised for [nature of the goods referred to in the Table in sub-section (1) of section 206C] the purpose of *manufacturing/processing/producing articles or things and not for trading purposes;
3. that *I am/we are assessed to income-tax by the Assessing Officer .... Circle/Ward and the permanent account number allotted to me is ......

OR

that *I was/we were last assessed to income-tax for the assessment year.....by the Assessing Officer....... Circle/Ward and the permanent account number allotted to me is...;

OR

that *I/we have not been assessed to income-tax at any time in the past but I fall within the jurisdiction of the Chief Commissioner or Commissioner of Income-tax.......;

....
**Signature of the declarant

VERIFICATION

*I/We..........do hereby declare that to the best of *my/our knowledge and belief what is stated above is correct, complete and is truly stated.

Verified today, the .... day of ....

Place...........

....
Signature of the declarant

Note:

1. @ Give Complete postal address.
2. The declaration should be furnished in duplicate.
3. *Delete whichever is not applicable.
4. ** Indicate the capacity in which the declaration is furnished on behalf of a Hindu undivided family, association of persons, firm etc.
5. Before signing the verification, the declarant should satisfy himself that the information furnished in the declaration is true, correct and complete in all respects. Any person making a false statement in the declaration shall be liable to prosecution under section 277 of the Income-tax Act, 1961, and on conviction be punishable-

(i) in a case where tax sought to be evaded exceeds one lakh rupees, with rigorous imprisonment which shall not be less than six months but which may extend to seven years and with fine;

(ii) in any other case, with rigorous imprisonment which shall not be less than three months but which may extend to three years and with fine.

PART - II

[FOR USE BY THE PERSON TO WHOM THE DECLARATION IS FURNISHED]

1. Name and address of the person responsible for collecting tax at the time of the sale of the goods referred to in paragraph 2.
2. Date on which the declaration was furnished by the declarant.
3. Date of debiting of the amount payable by the buyer to the account of the buyer or receipt of the amount payable from the buyer in cash or by issue of a cheque or draft or by any other mode.

Forwarded to the Chief Commissioner or Commissioner of Income-tax............

Place.................. ....

Date.................. Signature of the person responsible for collecting tax at the time of the sale of the goods referred to in paragraph 2.

FORM NO.27D

[See rule 37D]

Certificate of collection of tax at source under sub-section (5) of section 206C of the Income-tax Act, 1961

[For collection of tax at source from alcoholic liquor for human consumption; tendu leaves; timber obtained under a forest lease; timber obtained by any mode other than under a forest lease; any other forest produce not being timber or tendu leaves; scrap]

Name and address of the person collecting tax:	Circle where return under section 206C (5A) is to be delivered	Name and address of the buyer ....
TAX COLLECTION A/C NO. OF THE COLLECTOR	Nature of Goods referred to in the Table in section 206C (1)	PAN/GIR NO. OF THE BUYER:
PAN/GIR NO. OF THE COLLECTOR:		FOR THE PERIOD .... To ....

DETAILS OF PAYMENT, TAX COLLECTION AND DEPOSIT OF TAX INTO CENTRAL GOVERNMENT ACCOUNT

Date on which amount received/ debited to the account of buyer	Amount received/ debited to the account of buyer (Rs.)	Rate at which collected (%)	Amount of income-tax collected		Date and Challan No. of deposit of tax into Central Government Account	Name of the bank and brach where tax deposited
			Tax (Rs.)	Surcharge (Rs.)		

Certified that a sum of Rs...............(Rupees................in words) has been collected at source and paid to the credit of the Central Government as per details given above.

Place.................. ....

Date.................. Signature of the person responsible for collection of tax

Full Name ....

Designation ....

[Notification No.239/2003/F.No.142/40/2003-TPL]

D.P. SEMWAL, Director

Note: The principal rules were published vide Notification No. S.O.696(E), dated: the 26th March, 1962 and last amended by Income-tax (Twenty-First Amendment) Rules, 2003 vide Notification No.226/2003 dated the 25.9.2003.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಪಿ.ಆರ್. 104

ಎಲ್. ಸಿದ್ದಯ್ಯ

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ,

ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001
NOTIFICATION
DATED 17th October, 2003
25 Asvina, 1925 (Saka)

No. 82/KT-LA/19/99/2002:- In pursuance of sub-section 2(b) of Section 116(C) of the Representation of the People Act, 1951, the Election Commission hereby published the order, dated the 16th September, 2003 of the Supreme Court of India in Civil Appeal No. 5461 of 2002 filed against the Judgement of the High Court of Karnataka State in Election Petition No. 19 of 1999.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 5461 OF 2002

Prabhakar Rane Appellants

Vs

Asnotikar Vasant Kamalakar (Dead) & Anr. Respondents

ORDER

On 11.9.1999, election to Karwar Assembly Constituency, Karnataka, was held, in which the appellant, deceased respondent No.1 and respondent No.2 were the contesting candidates. On 6.10.1999, election results were declared. Respondent No.1 was found to have polled 42502 votes, the appellant 28546 votes and respondent No.2 3208 votes, and as a result of which respondent No.1 was declared elected from the said Constituency. The appellant herein filed an election petition before the High Court of Karnataka Challenging election of the returned candidate on the ground of corrupt practices under Section 123(3) & (3A) of the Representation of People Act, 1951 (for short "the Act") It was prayed in the election petition that the election of returned candidate be declared void under Section 100(1) (b) and declaration be granted that the appellant is duly elected from the said Constituency under Section 101(a) & (b) of the Act. During pendency of the election petition, respondent No.1 died. However, the election petitioner (appellant herein) examined his witnesses but there was no cross-examination of witnesses by respondent No.1 as he had already died. The High Court was of the view that the allegation contained in the election petition does not constitute corrupt practice. Consequently, the election petition was dismissed. It is against the said order and judgement of the High Court, the appellant is in appeal before this Court under Section 116A of the Act.

We have heard learned counsel for the appellant. Learned counsel for the appellant does not dispute that even if the allegation of corrupt practice is established, the appellant possibly cannot get a declaration as being duly elected. In view of this as well as the fact that the returned candidate-respondent No.1 has already died, this appeal deserves dismissal.

The appeal is, accordingly, dismissed.

Let a copy of this order be sent forthwith to the Election Commission of India for appropriate action and also to the Speaker of the Karnataka Legislative Assembly.

....
V.N. Khare
....
Brijesh Kumar
....
S.B. Sinha

New Delhi,
September 16, 2003

By Order,
TAPAS KUMAR
Secretary
Election Commission of India.

PR-91

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 72 ಕೇನಿಪ್ರ 2003, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 28ನೇ ನವೆಂಬರ್ 2003

2003ನೇ ಸಾಲಿನ ಸೆಪ್ಟೆಂಬರ್ 05 ರ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 3(ii) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ ಮಿನಿಸ್ಟ್ರಿ ಆಫ್ ಫೈನಾನ್ಸ್‌ನ ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ 213/2003/F.No.142/23/2003 TPL ದಿನಾಂಕ 5.9.2003 ರಲ್ಲಿ The Income Tax (18th Amendment) Rules 2003 ನ್ನು ಸಾರ್ವಜನಿಕ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF FINANCE
(Department of Revenue)
(CENTRAL BOARD OF DIRECT TAXES)
NOTIFICATION
New Delhi, the 5th September, 2003
INCOME TAX

S. O.1026(E).- In exercise of powers conferred by section 295, read with section 80RRB of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following rules further to amend the Income-Tax Rules, 1962, namely:-

1. (1) These rules may be called the Income-Tax (18th Amendment) Rules, 2003
   (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Income-tax Rules, 1962,

(a) after the rule 19AC, the following rule shall be inserted, namely:-

"19AD. (1) For the purposes of sub-section (2) of section 80RRB, the prescribed authority shall be the Controller, referred to in clause (b) of sub-section (1) of the Patents Act, 1970(39 of 1970).

(2) The certificate which is required to be furnished by the assessee under sub-section (2) of section 80RRB from the prescribed authority shall be in Form No. 10CCE";

(b) in the appendix II, after the Form 10CCD, the following shall be inserted,-

"Form No. 10CCE
(see Rule 19 AD)
Certificate under sub-section (2) of section 80RRB for Patentees in receipt of Royalty income, etc.
Part-A
(To be filled in by the assessee)

1. Details of the patent
   (i) Patent registration number
   (ii) Date of registration of patent
   (iii) Title of patent
   (iv) Whether the patent is in the nature of patent of addition (yes/no)
   (v) If reply to (iv) is yes, the title and registration number of original patent

2. Details of patentee
   (i) Name and address of the patentee(s),
   (ii) Whether the patentee is the true and first inventor of the invention (Yes/No)
   (iii) Date on which the name of patentee was entered on the patent register................................
   (iv) Whether the name of the patentee was revoked or excluded from the patent register in respect of patent mentioned at item number (i) (yes/no)
   (v) If reply to (i) is yes, the date from which such revocation or exclusion took place...................

3. Name and address of the person paying the Royalty income from patent

4. Details of royalty agreement
   (a) The nature of royalty (mark √, where applicable)
   (i) transfer of all or any rights (including the granting of a licence) in respect of the patent.............
   (ii) imparting of any information concerning the working of, or the use of, the patent....................
   (iii) use of the patent............................
   (iv) rendering of any services in connection with the activities referred to in sub-clauses (i) to (iii)...
   (v) consideration for sale of products manufactured with the use of patented process or the patented article for commercial use.........................
   (b) Period for which the agreement is applicable........................
   (c) Amount of royalty income payable for the previous year (in Indian Rupees)..........................

5. Details of payments
   (i) Payment received in Indian rupees_________________
   (ii) Payment received in foreign currency (value in Indian rupees)______________
   (iii) Total Payment received__________________
   (iv) If in foreign currency, details of payment in the following proforma:-

Total amount payable during the year	Amount actually paid	Date of payment	Mode of payment

6. Verification:

This is to verify that I/We,_____________S/o_____________having PAN No._________is/are the patentee, being true and first inventor of the invention, in respect of the patent titled ___________entered in the patent register maintained by the patent office at ....under the Patents Act, 1970

This is to further verify that during the previous year, we have received payment in the nature of royalty income from such patent from Shri/Smt/Ms..................which is entitled for deduction under section 80RRB of the Income-tax Act, 1961.

Date: Signature and name of the assessee
Place: Address:"

Part-B
(To be filled in by the prescribed authority)

Certification:

This is to certify that the information furnished by the assessee named..................in items Number 1 and 2 of Part-A is correct as per the patent register maintained by us.

This is to further certify that a compulsory license has/has not (strike off whichever is not applicable) been issued by the Controller in respect of the patent mentioned at item number 1 of Part-A, and the royalty income settled in terms of any compulsory license, pertaining to the period starting from 1st April.....................and ending at 31st March,....................is Rupees.................(not to be filled in if no compulsory license is issued).

Date: Name, designation and signature of the Controller
Place: Address:"

[Notification No. 213/2003/F.No.142/23/2003-TPL]
DHEERAJ BHATNAGAR, Dy. Secy.

Footnote: The principal rules were published under Notification No S.O. 969 dated 26-3-1962 which has been amended from time to time, the last such amendment was made vide Notification No. S.O. 1008(E) dated 1-9-2003.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ
ಎಲ್. ಸಿದ್ದಯ್ಯ
ಪಿ.ಆರ್. 94 ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ
ಅಧಿಸೂಚನೆ
ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 65 ಕೇಶಾಪ್ರ 2003, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 29ನೇ ನವೆಂಬರ್ 2003

2003ನೇ ಸಾಲಿನ ಅಕ್ಟೋಬರ್ 8 ರ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 3(ii) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ F.No.01/91/162/430/AM-99/PC-III ದಿನಾಂಕ 8.10.2003 ನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF COMMERCE AND INDUSTRY
(Department of Commerce)
NOTIFICATION
New Delhi, the 8th October, 2003
No. 20 (RE-2003)/2002-2007

S.O. 118(E.)- In exercise of powers conferred by Section 5 of the Foreign Trade (Development & Regulation) Act, 1992 (No.22 of 1992) read with Paragraph 1.1 and 2.4 of the Export and Import Policy, 2002-2007 the Central Government hereby makes the following amendments in the "ITC(HS) Classifications of Export and Import Items, 2002-2007.

2. The entry at code No. 0703 of Schedule 2 of ITC (HS) shall be amended as under:-

Code	Item/Description	Policy	Nature of Restrictions
0703	Onion (all varieties) including Bangalore Rose Onions and Krishnapuram Onions.	STEs	Export through:- (i) National Agricultural Cooperative Marketing Federation of India Ltd., (NAFED)
			(ii) Maharashtra State Agricultural Marketing Board (MSAMB)
			(iii) Gujarat Agro Industries Corporation Ltd., (GALC)
			(iv) The Spices Trading Corporation Ltd. (STCL)
			(v) The A.P. State Trading Corporation.
			(vi) The Karnataka State Co-operative Marketing Federation Ltd., (KSCMF)
			(vii) The National Co-operative Consumers Federation of India Ltd., (NCCF)
			(viii) The North Karnataka Onion Growers Co-operative Society (NKOGCS)
			(ix) West Bengal Essential Commodities Supply Corporation (WBECSC) Ltd., Kolkata
			(x) M.P. State Agro Industries Development Corporation (MPSAIDC), Bhopal
			(xi) Karnataka State Produce Processing and Export Corporation (KAPPEC), Bangalore.
			(xii) Madhya Pradesh State Co-operative Oil Seeds Growers Federation Ltd.,
			(xiii) The Andhra Pradesh Marketing Federation (AP MARKFED),
			subject to conditions laid down by DGFT from time to time

2. The following conditions will apply to all STEs for export of Onions all varieties:

1. The designated STEs can issue NOC to the Associates Shippers and the services charges levied by them for issue of NOC will be to a maximum rate of 1% of the invoice value of export of onion.
2. The STEs are not allowed to levy any other charges except above by way of fees, guarantee or deposits or in any other form whatsoever.
3. All onions exported will be subject to a Minimum Export Price (MEP) fixed by NAFED.
4. The careful selection of exporters is made to eliminate the trading in permits to export onions.
5. The agencies shall ensure that quality of onion is maintained.
6. A weekly report of permits issued shall be provided to NAFED which shall act a nodal agency to keep the Government of India informed of the outflow of onions.
7. Periodic reports of the actual shipment of onion by different agencies be submitted to the Department of Consumer Affairs.

4. This issues in the Public interest.

[F.No. 01/91/162/430/AM-99/PC-III]
L. MANSINGH, Director General of Foreign Trade
ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ
ಎಲ್. ಸಿದ್ದಯ್ಯ
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಪಿ.ಆರ್. 95

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 62 ಕೇಶಾಪ್ರ 2003, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 28ನೇ ನವೆಂಬರ್ 2003

2003ನೇ ಸಾಲಿನ ಸೆಪ್ಟೆಂಬರ್ 31 ರ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Delimitation (Amendment) Ordinance, 2003 (No.6 of 2003) ನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)
New Delhi, the 31st October, 2003/Kartika 9, 1925 (Saka)
THE DELIMITATION (AMENDMENT) ORDINANCE, 2003
No. 6 OF 2003

Promulgated by the President in the Fifty-fourth Year of the Republic of India.

An ordinance to amend the Delimitation Act, 2002

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action.

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:-

1. Short title and commencement.- (1) This Ordinance may be called the Delimitation (Amendment) Ordinance, 2003

(2) It shall come into force at once.

2. Amendment of Section 3.- In section 3 of the Delimitation Act, 2002 (hereinafter referred to as the principal Act), for the Explanation, the following Explanation shall be substituted, namely:-

"Explanation.- For the purposes of clause (c), the State Election Commissioner of concerned State,-

(i) in respect of the duties of the Commission relating to a State (other than the States of Meghalaya, Mizoram and Nagaland), means the State Election Commissioner appointed by the Governor of that State under clause (1) of article 243K; and

(ii) in respect of the duties of the Commission relating to the State of Meghalaya or the State of Mizoram or the State of Nagaland, as the case may be, means a person nominated by the Governor of that State for such purposes."

3. Amendment of Section 4.- In section 4 of the principal Act, in sub-section (2), for the figures "1991", the figures "2001" shall be substituted.

4. Amendment of Section 8.- In section 8 of the principal Act,-

(i) in clause (a), for the figures "1991", the figures "2001" shall be substituted;

(ii) in clause (b), for the figures "1991", the figures "2001" shall be substituted.

5. Amendment of Section 9.- In section 9 of the principal Act, in sub-section (1), for the figures "1991", the figures "2001" shall be substituted.

A.P.J. ABDUL KALAM,
President
T.K. VISWANATHAN,
Secy. to the Govt. of India.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ
ಎಲ್. ಸಿದ್ದಯ್ಯ
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಪಿ.ಆರ್. 96

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ
ಅಧಿಸೂಚನೆ
ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 74 ಕೇನಿಪ್ರ 2003, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 29ನೇ ನವೆಂಬರ್ 2003

2003ನೇ ಸಾಲಿನ ಅಕ್ಟೋಬರ್ 1 ರ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 3(ii) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Income-Tax (Twenty fourth Amendment) Rules 2003 ನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF FINANCE
(Department of Revenue)
(CENTRAL BOARD OF DIRECT TAXES)
NOTIFICATION
New Delhi, the 1st October, 2003
INCOME TAX

S. O.1163(E).- In exercise of the powers conferred by section 295, of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following rules further to amend the Income-tax Rules, 1962, namely:-

1. (1) These rules may be called the Income-tax (Twenty-Fourth Amendment) Rules, 2003

(2) They shall come into force from the date of publication in the Official Gazette.

2. In the Income-tax Rules, 1962,

(A) in part VI,-

(a) for rule 26B, the following rule shall be substituted, namely:-

'Statement of particulars of income under heads of income other than "Salaries" for deduction of tax at source.

26B. (1) The assessee may send to the person responsible for makig payment under sub-section (1) of section 192, a statement of any income chargeable under any head of income other than "Salaries" (not being a loss under any such head other than the loss under the head "Income from house property"), received by the assessee for the same financial year, and of any tax deducted on such income.

(2) A verification in the following form shall be annexed to the statement referred to in sub-rule (1):-

FORM OF VERIFICATION

I,..........................(name of the assessee), do declare that what is stated above is true to the best of my information and belief.';

(b) in rule 28, sub-rules (2), (4) and (5) shall be omitted;

(c) in rule 28AA, sub-rule (5) shall be omitted;

(d) in rule 29, sub-rule (5) shall be omitted;

(e) in rule 29B, sub-rule (6) shall be omitted;

(f) rule 30A shall be omitted;

(g) for rule 33, the following rules shall be substituted, namely:-

"Statement of deduction of tax from contributions paid by the trustees of an approved superannuation fund.

33. (1) In cases where the trustees of an approved superannuation fund pay any contributions made by an employer, including interest on such contributions, to an employee during his life time, they shall send within two months from the end of the financial year to the Assessing Officer referred to in rule 36A, a statement giving the following particulars, namely:-

(i) Name of the superannuation fund;

(ii) Name and address of the employee;

(iii) The period for which the employee has contributed to the superannuation fund;

(iv) The amount of contribution repaid on account of principal and interest;

(v) The average rate of deduction of tax during the preceding three years; and

(vi) The amount of tax deducted on repayment.

(2) A verification in the following form shall be annexed to the statement referred to in sub-rule (1):-

FORM OF VERIFICATION

We/I, the trustee(s) of the above named fund, do declare that what is stated in the above statement is true to the best of our/my information and belief.";

(B) in part VIA,-

(a) in rule 37G, for the expression "Form No.27F", the expression "form No.13" shall be substituted;

(b) in rule 37H, in sub-rule (1), the words, figures and letter "in Form No.27G" shall be omitted;

(C) in Appendix II,-

(a) Form No.12C shall be omitted;

(b) for Form No. 13, the following Form shall be substituted, namely:-

FORM NO. 13

[See rules 28 and 37G]

Application by a person for a certificate under sections 197 and or 206C (9) of the Income-tax Act, 1961, for no* deduction/collection of tax or* deduction/collection of tax at a lower rate

To,

The Assessing Officer,

____

____

____

1. *I,____________________of____________________do, hereby, request that a certificate may be issued to the person responsible for paying to me the incomes/sum by way of salary/ interest on

securities/interest other than *interest on securities*/insurance commission/commission (not being insurance commission) or brokerage/commission, etc., on the sale of lottery tickets/fees for professional or technical services/any sum by way of payment to contractors and sub-contractors/dividends/ rent/income in respect of units (strike out which ever is not applicable) authorising him not to deduct income-tax/to deduct income-tax at the rate of..............per cent at the time of payment to me of such income/sum. The particulars of my income are as per para 2.

and/or

*I,________________of_____________________do, hereby, request that a certificate may be issued to the seller, being the person responsible for collecting the tax from me in respect of the amount payable by me as the buyer of... (Specify the nature of goods referred to in the table in sub-section (1) of section 206 C) authorizing him to collect income-tax at the rate of............per cent at the time of debit of such amount to my account or receipt thereof from me, as the case may be. The particulars of my income are as per para 2.

2. The particulars of my income/other relevant details are as under.

i. Status
(State whether individual, Hindu undivided family, firm, body of individuals, etc.)

ii. Residential status
(Whether resident/resident but not ordinarily resident/non-resident.)

iii. Permanent Account No.

iv. Assessment year to which the payments relate.

v. Estimated total income of the previous year relevant to the assessment year referred to in (iv) above (give the computation and basis thereof.)

vi. Total tax payable on the income at (v).

vii. Average rate of tax.
[Col.(vi)X100]
[Col.(v)]

viii. How the liability determined in col. (vi) is proposed to be discharged?
(Specify the amount to be paid by way of advance tax. TDS and TCS)

ix. Total income asessed in the last three assessment years and the total tax paid for each such year:

	Assessment Year	Total income	Total tax
(i)			
(ii)			
(iii)			

x. Date and amount of advance tax, tax deducted at source and tax collected at source, if any, already paid so far.

xi. Details of income claimed to be exempt and not included in the total income (Please append a note giving reason for claiming such exemption).

xii. Please furnish the particulars in Annexure-I in respect of no deduction of tax or deduction of tax at a lower rate under section 197 and/or in Annexure-II for collection of tax at lower rate under section 206C(9) of the Income-tax Act, as the case may be.

*I,____________the trustee/Co-Trustee of______________do hereby declare that the securities/sums/shares, particulars of which are given in the Annexure, are properly held under trust wholly for charitable or religious purposes and that the income therefrom qualifies for exemption under sections 11 and 13 of the income-tax Act, 1961.

*I declare that the securities/sums/shares, particulars of which are given in the Schedules above, stand in my name and are beneficially owned by me, and the income therefrom is not includible in the total income of any other person under sections 60 to 64 of the Income-tax Act, 1961.

I further declare that what is stated in this application is correct.

Date ____________ ____________________
Signature

Place ___________

____
____
____
Address

*Strike out whichever is not applicable

Annexure-I

[For the purpose of tax deduction at source]

Please furnish the particulars with the Schedules below in respect of the payments for which the certificate is sought.

SCHEDULE I

Description of securities	Number of securities	Date of securities	Amount of securities	Estimated amount of interest to be received
(1)	(2)	(3)	(4)	(5)

SCHEDULE II

Sl. No.	Name and address of the person to whom the sums are given on interest	Amount of such sums	The date on which such sums were given on interest	Period for which such sums were given on interest	Rate of interest	Estimated amount of interest to be received
(1)	(2)	(3)	(4)	(5)	(6)	(7)

SCHEDULE III

Sl. No.	Name and address of person responsible for paying insurance commission	Estimated amount of insurance commission
(1)	(2)	(3)

SCHEDULE IV

Sl. No.	Name and address of the company	No. of shares	Class of shares and face value of each share	Total face value of shares	Distinctive numbers of shares	Estimated amount of dividend to be received
(1)	(2)	(3)	(4)	(5)	(6)	(7)

SCHEDULE V

Sl. No.	Name and address of the employer	Period of employment	Amount of salary received	Income from house property	Income from sources other than salary and income from house property	Estimated Total income
(1)	(2)	(3)	(4)	(5)	(6)	(7)

SCHEDULE VI

Sl. No.	Name and address of person responsible for paying rent	Estimated amount of rent to be received
(1)	(2)	(3)

SCHEDULE VII

Sl. No.	Name and address of the mutual fund	No. of units	Classes of units and face value of each unit	Total face value of units	Distinctive numbers of units	Estimated amount of income to be received
(1)	(2)	(3)	(4)	(5)	(6)	(7)

SCHEDULE VIII

Sl. No.	Name and address of person responsible for paying commission (not being insurance commission referred to in section 194D) or brokerage.	Estimated amount of commission (not being insurance commission referred to in section 194D) or brokerage to be received
(1)	(2)	(3)

SCHEDULE IX

Sl. No.	Full name and address of the authority/ person with whom the contract was made	Date of the contract	Nature of the contract	Date by which work on the contract would be completed	Sums expected to be credited/paid in pursuance of the contract during the current previous year and each of the three immediately succeeding years
(1)	(2)	(3)	(4)	(5)	(6)

SCHEDULE X

Sl. No.	Name and address of person(s) responsible for paying commission, remuneration or prize (by whatever name called) on the sale of lottery tickets	Estimated amount of commission/remuneration/prize to be received (strike out whichever is not applicable)
(1)	(2)	(3)

SCHEDULE XI

Sl. No.	Name and address of person(s) responsible for paying fees for professional/technical services	Estimated amount of fees for professional/technical services to be received (strike out whichever is not applicable)
(1)	(2)	(3)

....
Date............................ (Signature)
Place ....
....
....
(Address)

Annexure-II

[For the purpose of tax collection at source]

Particulars of the amounts payable in respect of which the certificate is sought

Sl. No.	Full name and address of the seller	Date of sale with reference number of such sale	Nature and description of the goods sold and details of sale	Amounts expected to be debited/paid in pursuance of the sale during the current financial year and each of the three immediately succeeding years.
(1)	(2)	(3)	(4)	(5)

Date ....
Signature of the buyer
Full Name....................
Designation ....

(c) Form No. 13C, Form No. 13D, Form No. 13E, Form No. 15, Form No. 15AA, Form No.15B, Form No.15E, Form No.27F and Form No.27G shall be omitted.

[Notification No.244/2003/F.No.142/29/2003-TPL]

D.P. SEMWAL,
Director

GYANENDRA NATH BAJPALI, Chairman

Note.- The principal rules were published vide Notification No. S.O.969(E), dated the 26th March, 1962 and last amended by Income-tax (Twenty-Second Amendment) Rules, 2003 vide Notification S.O. No. 1145 (E) dated the 30.9.2003.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ
ಎಲ್. ಸಿದ್ದಯ್ಯ
ಪಿ.ಆರ್. 97 ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001
NOTIFICATION
Dated the 25th November, 2003, 4 Agrahayana, 1925 (Saka)

No. 82/KT-LA/6/99/2002:- In pursuance of Section 106 of the Representation of the People Act, 1951, (43 of 1951) the Election Commission hereby publishes the order, of the High Court of Karnataka, Bangalore dated the 10th October, 2003 in Election Petition No. 6 of 1999.

IN THE HIGH COURT OF KARNATAKA AT BANGALORE
DATED THIS THE 10TH DAY OF OCTOBER, 2003
BEFORE
THE HON'BLE MR. JUSTICE M.F. SALDANHA
ELECTION PETITION NO.6/1999

BETWEEN:
Pattanashetty Mahagundappa Kallappa
S/o Kallappa Pattanshetty
Aged 45 years,
R/o Badami,
Bagalkot District. ....PETITIONER
(By Smt M.N. Pramila, Adv.,)

AND:

1. Chimmanakatti Balappa Bheemappa
S/o Chimmanakatti Bheemappa
Major, R/o Behind PWD I.B.
Chalukyanagar, Badami,
BAGALKOT DISTRICT.
2. Laxman Maraditot
S/o Rangappa,
Major, Cholachagudda,
Badami Taluk, BAGALKOT DISTRICT.
3. Sunkad Shivana Gouda
Shankara Gouda,
Major, R/o Belavalakoppa, Taluk Badami,
BAGALKOT DISTRICT.
4. Returning Officer,
No. 214, Badami Assembly
Constituency, Badami,
BAGALOKT DISTRICT. ....RESPONDENTS

(By Sri A.K. Subbaiah & Sri B.A. Bellaippa, Adv., for R-1, Sri S. Balaji, Adv., for R-2 and R-3, Sri Deshraj, Addl. GA for R-4)

This Election Petition is filed u/s 81 of the Representation of People Act, 1951 by the Petitioner-candidate at 1999 General Election to the Karnataka Legislative Assembly Constituency No.214 Badami Assembly Constituency held on 5-9-1999 to order a scrutiny and recount of votes of No.214 Badami Assembly Constituency and etc.

This petition coming on for orders this day the court made the following:-

ORDER

After the Returning Officer submitted the results of the recount, there was no appreciable difference vis-a-vis the petitioner's position insofar as the recount does not seem to indicate that the petitioner had polled more votes than the Respondent-1. On the contrary, the result indicated that the margin between the Respondent-1 who had won the election earlier and the petitioner was very much wider. Normally, the court would have finally disposed of the petition at that stage itself. A grievance was however made by the petitioner's learned Advocate with regard to the manner in which the recount had been conducted and, purely out of a sense of fairness, this court called for the various records to be produced as per the petitioner's application and also desired to ascertain the position from the Returning Officer and the learned District Judge who had been appointed as an Observer. Normally, there would have been no scope for any further grievance because, this was a case in which this court appointed a Judicial Offier of status viz., the District Judge as an Observer only in order to make it doubly certain that absolutely nothing went wrong at the time of the recount.

2. Mrs. Nesargi, learned Counsel who represented the petitioner indicated that according to her client, certain errors and inconsistencies had taken place even at the time of the recount and it was her submission that this court should look into the same. First Respondent's Counsel raised an objection at that stage itself which was to the effect that this court would have no jurisdiction in the present election petition wherein the limited prayer was for a recount in respect of the earlier record and consequently, that there was no scope for this court to entertain any further grievances.

3. In the course of the last few hearings, the records have come, the learned Advocates have seen the same and the returning officer and the observer have maintained that the recount has been properly conducted. The short question that arises is as to whether, assuming the petitioner still has some grievances, these could be gone into in the present proceeding. The Respondent's learned counsel has drawn my attention to the latest decision of the Supreme Court reported in AIR 2003 SC 2271 and on the basis of the ratio of this case, he submits that this court has virtually become functus officio and his further submission is that assuming without admitting that the petitioner still has some grievance, that it is a fresh cause of action which cannot be agitated in the present proceeding.

4. This does in fact represent the correct position in law. Personally, my considered view is that it is not permissible to extend the original cause of action or to graft on to it and assuming that the petitioner has some grievance, that cannot be agitated in the present proceeding and will have to be done separately.

At the hearing today, it was pointed out to me that the petitioner's learned Counsel is out of town and a request was made for a little accommodation. Normally, this court would most certainly have accommodated the Counsel but, the only reason which I have explained to the learned Counsel who represents the petitioner today is that irrespective of the factual grievances, that the legal position is unambiguous and in view of that position, this petition cannot be kept pending any further. In the light of the aforesaid position, the returning officer is directed to formally declare the result of the recount.

With these observations, the election petition to stand finally disposed of. No order as to costs.

IN THE HIGH COURT OF KARNATAKA AT BANGALORE
DATED THIS THE 10TH DAY OF OCTOBER 2003
BEFORE
THE HON'BLE MR. JUSTICE M.F. SALDANHA
ELECTION PETITION No. 6/1999

BETWEEN:

Pattanashetty Mahagundappa Kallappa
S/o Kallappa Pattanshetty,
Aged 45 Years, R/o Badami, Bagalkot District. .....Petitioner
(By Smt M.N. Premila, Adv.,)

AND:

1. Chimmanakatti Balappa Bheemappa
S/o Chimmanakatti Bheemappa
Major, R/o Behind PWD I.B.
Chalukyanagar,
Badami, BAGALKOT DISTRICT.
2. Laxman Maraditot,
S/o Rangappa., Major,
Cholachagudda, Badami Taluk,
BAGALKOT DISTRICT.
3. Sunkad Shivana Gouda
Shankara Gouda,
Major, R/o Belavalakoppa,
Taluk Badami, BAGALKOT DISTRICT.
4. Returning Officer,
No.214, Badami Assembly,
Constituency, Badami, BAGALKOT DISTRICT. ....Respondents

(By Sri. A.K. Subbaiah & Sri B.A. Belliappa, Adv. for R-1
Sri. S.Balaji, Adv., for R-2 & R3,
Sri. Deshraj, Addl.G.A. for R-4).

This Election Petition is filed U/s.81 of the Representation of the People Act 1951 by the petitioner-candidate at 1999 General election to the Karnataka Legislative Assembly constituency, held on 5.9.1999 praying to:

(a) Order a scrutiny and recount of votes of No.214 Badami Assembly Constituency.

(b) Declare that the declaration of result of Respondent No.1 from No.214 Badami Assembly Constituency as null and void;

(c) Declare that the result of the election of the respondent No.1 as having been materially affected under Section 100(1)(d)(iii) & (iv) of the Representation of people Act;

(d) further declare that the petitioner has been duly elected and that in fact the petitioner has received a majority of the valid votes.

(e) award costs of the petition.

(f) grant such other relief or consequential reliefs as this court deems fit in the facts and circumstances of the case.

This Election petition was coming on for evidence from 13.6.2000 to 17.8.2000 and for hearing from 6.9.2000 to 14.11.2000. By order dt:5.2.2002, a direction was issued by this Hon'ble Court to the Returning Officer to undertake a recount. Against the said order, a Special Leave Petition in SLP No.4251/2002 was filed before the Hon'ble Supreme Court of India. By order dated:18.9.2002, the said Special Leave Petition was rejected by the Hon'ble Supreme Court of India. Thereafter, the matter was listed before this Hon'ble Court for further orders from 4.10.2002 to 10.10.2003. On 10.10.2003, this Hon'ble Court has passed final ordes, in the presence of the representative of Smt. M.N. Pramila, Advocate for the petitioner, Sri A.K. Subbaiah and Sri B.B.Beliyappa, Advocates for respondent No.1 and Sri S. Balaji, Advocate for Respondents 2 and 3 and Sri Deshraj, Addl.Govt.Advocate for Respondent No.4. And for the reasons stated in the order, it is hereby ordered and decreed that this Election Petition No.6/1999 be and the same shall stand disposed of and the Returning Officer be and is hereby directed to formally declare the result of the recount.

It is further ordered and decreed that there shall be no order as to costs.

Given under my hand and the seal of this Court, this the 10th day of October 2003.

REGISTRAR (JUDICIAL)

By Order,

P.R. 98

TAPAS KUMAR

Secretary

Election Commission of India.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 68 ಕೇನಿಪ್ರ 2003, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 8ನೇ ಡಿಸೆಂಬರ್ 2003

2003ನೇ ಸಾಲಿನ ಅಕ್ಟೋಬರ್ 9 ರ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 3(ii) ರಲ್ಲಿ ಪ್ರಕಟವಾದ Ministry of Home Affairs ನ ಈ ಕೆಳಕಂಡ F.No.14017/7/2003-NL.III ದಿನಾಂಕ: 9.10.2003 [S.O.1191(E)] ನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF HOME AFFAIRS
NOTIFICATION
New Delhi, the 9th October, 2003

S.O. 1191(E).- Whereas, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), the Central Government have declared the "Students Islamic Movement of India (SIMI)" as an unlawful association;

And whereas, the said declaration has been published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (ii) of dated, the 26th September, 2003 vide number S.O. 1113 (E) of the same date;

Now, therefore, in exercise of the powers conferred by Section 19 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), the Central Government hereby directs that all the powers which are exercisable by it under Sections 7 and 8 of the said Act shall also be exercised by the State Governments and the Union Territory Administrations in relation to the aforesaid unlawful association.

[F.No. 14017/7/2003-NI-III]

A.K. JAIN, Jt. Secy.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

ಎಲ್. ಸಿದ್ದಯ್ಯ

ಪಿ.ಆರ್. 106

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ,

ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 63 ಕೇಶಾಪ್ರ 2003, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 5ನೇ ಡಿಸೆಂಬರ್ 2003

2003ನೇ ಸಾಲಿನ ನವೆಂಬರ್ 05 ರ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Indian Telegraph (Amendment) Ordinances, 2003 (Ordinance No.7 of 2003) ನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)
New Delhi, the 5th November, 2003/Kartika 14, 1925 (Saka)

THE INDIAN TELEGRAPH (AMENDMENT) ORDINANCE, 2003
No. 7 OF 2003

Promulgated by the President in the Fifty-fourth Year of the Republic of India.

An Ordinance further to amend the Indian Telegraph Act, 1885.

WHEREAS the Indian Telegraph (Amendment) Bill, 2003 was introduced in the House of the People, but has not been passed;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action to give effect to the provisions of the said Bill;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:-

1. Short title and commencement.- (1) This Ordinance may be called the Indian Telegraph (Amendment) Ordinance, 2003

(2) It shall be deemed to have come into force on the 1st day of April, 2002.

2. Amendment of Section 3.- In section 3 of the Indian Telegraph Act, 1885 (13 of 1885) (hereinafter referred to as the principal Act), clause (1) shall be renumbered as clause (1AA) and before clause (1AA) as so renumbered, the following clauses shall be inserted, namely:-

'(1) "Fund" means the Universal Service Obligation Fund established under sub-section (1) of section 9A;

(1A) "Universal Service Obligation" means the obligation to provide access to basic telegraph services to people in the rural and remote areas at affordable and reasonable prices;'.

3. Amendment of section 4.- In section 4 of the principal Act, in sub-section (I), the following Explanation shall be inserted at the end, namely:-

"Explanation.- The payment made for the grant of a license under this sub-section shall include such sum attributable to the Universal Service Obligation as may be determined by the Central Government after considering the recommendation made in this behalf by the Telecom Regulatory Authority of India established under sub-section (1) of section 3 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997).".

4. Amendment of Section 7.- In section 7 of the principal Act, in sub-section (2), after clause (ee), the following clauses shall be inserted, namely:-

"(eea) the manner in which the Fund may be administered;

(eeb) the criteria based on which sums may be released.".

5. Insertion of new Part IIA.- After Part II of the principal Act, the following Part shall be inserted, namely:-

"PART IIA
UNIVERSAL SERVICE OBLIGATION FUND

9A. Establishment of Universal Service Obligation Fund.- (1) On and from the commencement of the Indian Telegraph (Amendment) Ordinance, 2003, there shall be deemed to have been established, for the purposes of this Act, a Fund to be called the Universal Service Obligation Fund.

(2) The Fund shall be under the control of the Central Government and there shall be credited thereto-

(a) any sums of money paid under section 9B;

(b) any grants and loans made by the Central Government under section 9C.

(3) The balance to the credit of the Fund shall not lapse at the end of the financial year.

9B. Crediting of sum to Consolidated Fund of India.- The sums of money received towards the Universal Service Obligation under section 4 shall first be credited to the Consolidated Fund of India, and the Central Government may, if Parliament by appropriation made by law in this behalf so provides, credit such proceeds to the Fund from time to time for being utilised exclusively for meeting the Universal Service Obligation.

9C. Grants and loans by the Central Government.- The Central Government may, after due appropriation made by Parliament by law in this behalf, credit by way of grants and loans such sums of money as that Government may consider necessary in the Fund.

9D. Administration and utilisation of Fund.- (1) The Central Government shall have the power to administer the Fund in such manner as may be prescribed by rules made under this Act.

(2) The Fund shall be utilised exclusively for meeting the Universal Service Obligation.

(3) The Central Government shall be responsible for the co-ordination and ensuring timely utilisation and release of sums in accordance with the criteria as may be prescribed by rules made under this Act.".

A.P.J. ABDUL KALAM,
President.
T.K. VISWANATHAN,
Secy. to the Govt. of India.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ
ಎಲ್. ಸಿದ್ದಯ್ಯ
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

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ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 64 ಕೇಶಾಪ್ರ 2003, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 5ನೇ ಡಿಸೆಂಬರ್ 2003

2003ನೇ ಸಾಲಿನ ನವೆಂಬರ್ 7 ರ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Indian Medicine Central Council (Amendment) Ordinances, 2003 (Ordinance No.8 of 2003) ನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 7th November, 2003/Kartika 16,1925 (Saka)

THE INDIAN MEDICINE CENTRAL COUNCIL (AMENDMENT) ORDINANCE, 2003

No. 8 OF 2003

Promulgated by the President in the Fifty-fourth Year of the Republic of India.

An Ordinance further to amend the Indian Medicine Central Council Act, 1970

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:-

1. Short title and Commencement 1.- (1) This Ordinance may be called the Indian Medicine Central Council (Amendment) Ordinance, 2003.

(2) It shall come into force at once.

2. Amendment of Section 2.- In the Indian Medicine Central Council Act, 1970 (48 of 1970) (hereinafter referred to as the principal Act), in section 2, after clause (e), the following clause shall be inserted, namely:-

'(ea) "medical college" means a college of Indian medicine, whether known as such or by any other name, in which a person may undergo a course of study or training including any post-graduate course of study or training which will qualify him for the award of a recognized medical qualification;'.

3. Substitution of New Chapter for Chapter II A.- For Chapter IIA of the principal Act, the following Chapter shall be substituted, namely:-

'CHAPTER IIA

PERMISSION FOR NEW MEDICAL COLLEGE, COURSE, ETC

13A. Permission for establishment of new medical college, new course of study, etc.- (I) Notwithstanding anything contained in this Act or any other law for the time being in force,-

(a) no person shall establish a medical college; or

(b) no medical college shall-

(i) open a new or higher course of study or training, including a post-graduate course of study or training, which would enable a student of such course or training to qualify himself for the award of any recognised medical qualification; or

(ii) increase its admission capacity in any course of study or training including a post-graduate course of study or training.

except with the previous permission of the Central Government obtained in accordance with the provisions of this section.

Explanation 1.- For the purposes of this section, "person" includes any University or a trust, but does not include the Central Government.

Explanation 2.- For the purposes of this section, "admission capacity", in relation to any course of study or training, including post-graduate course of study or training, in a medical college, means the maximum number of students as may be fixed by the Central Government from time to time for being admitted to such course or training.

(2) Every person or medical college shall, for the purpose of obtaining permission under sub-section (1), submit to the Central Government a scheme in accordance with the provisions of sub-section (3) and the Central Government shall refer the scheme to the Central Council for its recommendations.

(3) The scheme referred to in sub-section (2), shall be in such form and contain such particulars and be preferred in such manner and accompanied with such fee, as may be prescribed.

(4) On receipt of a scheme from the Central Government under sub-section (2), the Central Council may obtain such other particulars as may be considered necessary by it from the person or the medical college concerned, and thereafter, it may,-

(a) if the scheme is defective and does not contain necessary particulars, give a reasonable opportunity to the person or medical college concerned for making a written representation and it shall be open to such person por medical college to rectify the defects, if any, specified by the Central Council;

(b) consider the scheme, having regard to the factors referred to in sub-section (8) and submit it to the Central Government together with its recommendations thereon within a period not exceeding six months from the date of receipt of the reference from the Central Government.

(5) The Central Government may, after considering the scheme and recommendation of the Central Council under sub-section (4) and after obtaining, where necessary, such other particulars as may be considered necessary by it from the person or medical college concerned and having regard to the factors referred to in sub-section (8), either approve the scheme with such conditions, if any, as it may consider necessary or disapprove the scheme and any such approval shall constitute as a permission under sub-section (1):-

Provided that no scheme shall be disapproved by the Central Government except after giving the person or medical college concerned a reasonable opportunity of being heard:

Provided further that nothing in this sub-section shall prevent any person or medical college whose scheme has not been approved by the Central Government to submit a fresh scheme and the provision of this section shall apply to such scheme, as if such scheme had been submitted for the first time under sub-section (2).

(6) Where, within a period of one year from the date of submission of the scheme to the Central Government under sub-section (2), no order is communicated by the Central Government to the person or medical college submitting the scheme, such scheme shall be deemed to have been approved by the Central Government in the form in which it was submitted, and, accordingly, the permission of the Central Government required under sub-section (1) shall also be deemed to have been granted.

(7) In computing the time-limit specified in sub-section (6), the time taken by the person or medical college concerned submitting the scheme, in furnishing any particulars called for by the Central Council, or by the Central Government, shall be excluded.

(8) The Central Council while making its recommendations under clause (b) of sub-section (4) and the Central Government while passing an order, either approving or disapproving the scheme under sub-section (5), shall have due regard to the following factors, namely:-

(a) whether the proposed medical college or the existing medical college seeking to open a new or higher course of study or training, would be in a position to offer the minimum standards of medical education as prescribed by the Central Council under section 22;

(b) whether the person seeking to establish a medical college or the existing medical college seeking to open a new or higher course of study or training or to increase its admission capacity has adequate financial resources;

(c) whether necessary facilities in respect of staff, equipment, accommodation, training, hospital or other facilities to ensure proper functioning of the medical college or conducting the new course of study or training or accommodating the increased admission capacity have been provided or would be provided within the time-limit specified in the scheme;

(d) whether adequate hospital facilities, having regard to the number of students likely to attend such medical college or course of study or training or the increased admission capacity have been provided or would be provided within the time-limit specified in the scheme;

(e) whether any arrangement has been made or programme drawn to impart proper training to students likely to attend such medical college or the course of study or training by persons having recognised medical qualifications;

(f) the requirement of manpower in the field of practice of Indian medicine in the medical college;

(g) any other factors as may be prescribed.

(9) Where the Central Government passes an order either approving or disapproving a scheme under this section, a copy of the order shall be communicated to the person or medical college concerned.

13B. Non-recognition of medical qualifications in certain cases.- (1) Where any medical college is established without the previous permission of the Central Government in accordance with the provisions of section 13A, medical qualification granted to any student to such medical college shall not be deemed to be a recognised medical qualification for the purposes of this Act.

(2) Where any medical college opens a new or higher course of study or training including a post-graduate course of study or training without the previous permission of the Central Government in accordance with the provisions of section 13A, medical qualification granted to any study of such medical college on the basis of such study or training shall not be deemed to be a recognised medical qualification for the purposes of this Act.

(3) Where any medical college increases its admission capacity in any course of study or training without the previous permission of the Central Government in accordance with the provisions of section 13A, medical qualification granted to any student of such medical college on the basis of the increase in its admission capacity shall not be deemed to be a recognised medical qualification for the purposes of this Act.

13C. Time for seeking permission for certain existing medical colleges.- (I) If any person has established a medical college or any medical college has opened a new or higher course of study or training or increased the admission capacity on or before the commencement of the Indian Medicine Central Council (Amendment) Ordinance, 2003, such person or medical college, as the case may be, shall seek, within a period of three years from the said commencement, permission of the Central Government in accordance with the provisions of section 13A.

(2) If any person or medical college, as the case may be, fails to seek permission under sub-section (1), the provisions of section 13B shall apply, so far as may be, as if, permission of the Central Government under section 13A has been refused.'.

A.P.J. ABDUL KALAM,
President.
T.K. VISWANATHAN,
Secy. to the Govt. of India.

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